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PTO/SB/21 (04-04)

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/657,010
Filing Date	September 5, 2003
First Named Inventor	Kyosuke Achiwa
Art Unit	2188
Examiner Name	P. Baker
Attorney Docket Number	16869S-026610US

Total Number of Pages in This Submission

**ENCLOSURES (Check all that apply)**

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form                                | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> After Allowance Communication to Technology Center (TC)  |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences   |
| <input type="checkbox"/> Amendment/Reply                                     | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)   |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                           | <input type="checkbox"/> Terminal Disclaimer  | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):   |
| <input type="checkbox"/> Express Abandonment Request                         | <input type="checkbox"/> Request for Refund   | USPTO forms SB08A and SB08B (3 pages), copy of a Search/Examination report for EP01110872.7, copies of 15 cited foreign patent and non-patent references, Return Postcard |
| <input checked="" type="checkbox"/> Information Disclosure Statement         | <input type="checkbox"/> CD, Number of CD(s) _____                                      |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)              | Remarks   | The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.  |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application    |   |   |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |   |   |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Townsend and Townsend and Crew LLP
Signature	George B. F. Yee
Date	Sept. 14 '04

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Roger Hylton
Signature	
Date	9/14/04



PATENT  
Attorney Docket No.: 16869S-026610US  
Client Reference No.: E5883-03 EO

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Kyosuki Achiwa et al.

Application No.: 10/657,010

Filed: September 5, 2003

For: STORAGE APPARATUS SYSTEM  
AND METHOD OF DATA BACKUP

Examiner: P. Baker

Art Unit: 2188

SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT UNDER 37  
CFR §1.97 and §1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the foreign patent and non-patent references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

Also enclosed is a copy of the Search and Examination report for the corresponding European application EP01110872.7 which cites references nos. 45 and 46 as listed on the attached PTO/SB/08A. Examiner please note that the PCT application WO 01/04754 cited by the European Examiner is the equivalent to issued U.S. Pat. No. 6,539,462 which was submitted in a prior IDS for the present application on March 8, 2004.


A review of reference no. 47 reveals only a year of publication. Consideration of the reference is requested in accordance with MPEP Section 609, Part III A (1), because the year

is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the particular month of publication is not in issue.

As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

  
George B. F. Yee  
Reg. No. 37,478

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60299419 v1



<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		<b>Complete if Known</b>	
		Application Number	10/657,010
		Filing Date	September 5, 2003
		First Named Inventor	Kyosuke Achiwa
		Art Unit	2188
		Examiner Name	P. Baker
Sheet 1	of 3	Attorney Docket Number	16869S-026610US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code <sup>2</sup> (if known)			
	1	US-6,647,474	11-11-2003	Yanai et al	
	2	US-6,625,705	09-23-2003	Yanai et al	
	3	US-2003/167419	09-04-2003	Yanai et al.	
	4	US-6,587,919	07-01-2003	Yanai et al	
	5	US-6,502,205	12-31-2002	Yanai et al	
	6	US-6,418,509	07-09-2002	Yanai et al	
	7	US-6,247,046	06-12-2001	Yanai et al	
	8	US-6,230,239	05-08-2001	Sakaki et al.	
	9	US-6,185,653	02-06-2001	Yanai et al	
	10	US-6,173,377	01-09-2001	Yanai et al	
	11	US-6,003,114	12-14-1999	Bachmat.	
	12	US-5,996,045	11-30-1999	Lee et al.	
	13	US-5,978,890	11-02-1999	Ozawa et al.	
	14	US-5,960,216	09-29-1999	Vishlitzky et al	
	15	US-5,940,865	08-17-1999	Ohzora et al.	
	16	US-5,909,692	06-01-1999	Yanai et al	
	17	US-5,901,327	05-04-1999	Ofek.	
	18	US-5,896,548	04-20-1999	Ofek.	
	19	US-5,835,954	11-10-1998	Duyanovich et al.	
	20	US-5,740,465	04-14-1998	Matsunami et al.	
	21	US-5,680,640	10-21-1997	Ofek et al.	
	22	US-5,664,144	09-02-1997	Yanai et al	
	23	US-5,644,787	07-01-1997	Nakamura et al.	
	24	US-5,625,840	04-29-1997	Numata et al.	
	25	US-5,613,155	03-18-1997	Baldiga et al.	
	26	US-5,588,012	12-24-1996	Oizumi.	
	27	US-5,572,699	11-05-1996	Kamo et al.	
	28	US-5,235,690	08-10-1993	Beardsley et al.	
	29	US-5,206,939	04-27-1993	Yanai et al.	
	30	US-5,155,845	10-13-1992	Beal et al.	
	31	US-4,451,884	05-29-1984	Heath et al.	
	32	US-3,990,055	11-02-1976	Henderson et al.	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	33	JP	2000-305856		11-02-2000	Hitachi Ltd.		<input checked="" type="checkbox"/>
	34	JP	11-338647		12-10-1999	Hitachi Ltd.		<input checked="" type="checkbox"/>
	35	JP	09-325863		12-16-1997	Hitachi Ltd.		<input checked="" type="checkbox"/>

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.  
60299419 v1

Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/657,010
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Sheet	2	of	3	Attorney Docket Number	16869S-026610US

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Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	36	JP	07-201132		08-04-1995	Mitsubishi Electric Corp		<input checked="" type="checkbox"/>
	37	JP	07-191811		07-28-1995	Hitachi Ltd		<input checked="" type="checkbox"/>
	38	JP	06-250795		09-09-1994	Hitachi Ltd		<input checked="" type="checkbox"/>
	39	JP	06-067811		03-11-1994	Fuji Xerox Co. Ltd		<input checked="" type="checkbox"/>
	40	JP	03-204023		09-05-1991	Fujitsu Ltd.		abstract only
	41	JP	02-059934		02-28-1990	NEC Corp		abstract only
	42	JP	64-033770		02-03-1989	NEC Corp		abstract only
	43	JP	58-219656		12-12-1983	Hitachi Ltd.		abstract only
	44	JP	58-151660		09-08-1983	Hitachi Ltd.		abstract only
	45	PCT	WO 01/04754	A2	01-18-2001	Hitachi Data Systems		
	46	PCT	WO 98/20419	A1	05-14-1998	Vinca Inc.		

Examiner Signature		Date Considered	
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60299419 v1

Substitute for form 1449B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/657,010
				Filing Date	September 5, 2003
				First Named Inventor	Kyosuke Achiwa
				Art Unit	2188
				Examiner Name	P. Baker
Sheet	3	of	3	Attorney Docket Number	16869S-026610US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	47	"Symmetrix Data Migration Services (SDMS)" EMC2 Symmetrix ICDA Family Product Information (2000).	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.